

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*

State Engineer

Plaintiff,

v.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-KWR/KK

RIO CHAMA STREAM SYSTEM

Section 3: Canjilon Creek

Subfile No.: CHCJ-006-0001

**UNOPPOSED MOTION TO EXTEND DEADLINES IN SCHEDULING AND
PROCEDURAL ORDER FOR CANJILON SUBSECTION OF SECTION 3 OF THE RIO
CHAMA STREAM SYSTEM**

COMES NOW Plaintiff State of New Mexico, *ex rel.* State Engineer (“State”) and respectfully requests that the Court’s October 24, 2023, deadline for expert witness disclosures set in its July 26, 2023, *Scheduling and Procedural Order*, (Doc. 11653,) be extended to December 8, 2023. The State further requests an extension of all other deadlines set in the *Scheduling and Procedural Order* by forty-five (45) days as well.

Since the Court entered the *Scheduling and Procedural Order*, the parties have met to discuss and attempt to resolve the issues of priority dates and irrigation water requirements. These discussions led to Defendants Abelardo E. Garcia and Geraldine E. Garcia (“Garcias”) withdrawing their objections to the State’s proposed irrigation water requirements and the State’s proposed priority date for their water rights on Garcia Ditch No. 2. *See Notice of Stipulation and Withdrawal of Objection to Priority Dates and Irrigation Water Requirements by Abelardo E.*

Garcia and Geraldine E. Garcia (Doc. 1165, filed 10/12/2023). This withdrawal resolved all remaining issues for Subfile No. CHCJ-005-0004. The parties have not been able to agree on the priority date for the Garcias' water rights on A.E. Garcia Ditch.

The State proposes that, if granted, an extension of time for expert witness disclosures and other discovery would enable the parties to refocus their efforts on the one remaining priority date issue. The Garcias have been provided with a draft of this Motion, and they do not oppose this Motion.

WHEREFORE, the Plaintiff State of New Mexico, *ex rel.* State Engineer respectfully requests an amended Scheduling and Procedural Order to reflect the changes to the deadlines herein requested.

DATED: October 19, 2023

Respectfully submitted,



PATRICIA ESTRELLA
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 19, 2023, I filed the foregoing electronically through the CM/ECF system, which caused the parties on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served by electronic mail. Additionally, I have mailed a copy of this Motion to Abelardo E. Garcia and Geraldine E. Garcia at the following address:

Abelardo E. Garcia
Geraldine E. Garcia
P.O. Box 447
Canjilon, NM 87515



Patricia Estrella